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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,044	11/17/2003	Franklin Yunes	12985	3206

7590 05/14/2004

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EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,044

Applicant(s)

YUNES, FRANKLIN

Examiner

Devon C Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☐ Claim(s) 2-6 and 8-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Devon C Kramer
5/11/04

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/17/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1) Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2) Claims 1-12 are objected to because of the following informalities:

Claim 1 line 4 and claim 7 line 4 recite, "said radial arms", it would be clearer to recite, --the circumferentially spaced arms—. Appropriate correction is required.

Claim 2 line 2, claim 3 line 3, claim 5 line 2, claim 6 line 3, claim 8 line 2, claim 9 line 3, claim 11 line 2 and claim 12 line 3 recite, "the periphery of said first wall" which should be --an outer periphery of the first wall--.

Claim 2 line 5, claim 5 line 5, claim 8 line 5 and claim 11 line 5 recite, "the inboard edge" which should be --an inboard edge--.

Claim 7 line 1 recites, "A In combination", which should be --In combination--.

Claim Rejections - 35 USC § 103

3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottieri (4484667) in view of Fitzgerald (6047796).

In re claims 1 and 7, Bottieri provides a cover (25) for attachment to a vehicle wheel and disc brake assembly having: a wheel (10) with a central hub (figure 2), circumferentially spaced arms (between 11b) extending radially out from said hub, an annular outer rim for holding a vehicle tire (figure 2), and circumferentially openings (11b) bounded by said hub, said circumferentially spaced arms and said rim; a disc brake (23) with a rotor (21) having a central hub (16) of larger diameter than said wheel hub, said hub of the brake rotor having a flat outboard end face; and attachment members (20) for connecting said hub of the wheel to said hub of the brake rotor, said cover comprising: a flat first wall apertured to receive said hub of the brake rotor and said attachment members, said flat first wall of the cover engaging and completely covering said outboard end face of said hub of the brake rotor, said cover extending radially outward beyond said outboard end face of said hub of the brake rotor (figure 3) and being completely shielding substantially the entire disc brake from view through said openings in the wheel. Please note that some portion of the first wall of the cover in

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Bottieri can be considered flat. Bottieri lacks the circumferentially elongated openings and lacks the teaching of the cover being completely imperforate.

Fitzgerald provides a wheel with circumferentially elongated openings (figure 3) and a cover that is completely imperforate radially outward from the connection points.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the assembly of Bottieri with a wheel with elongated openings as taught by Fitzgerald as a design choice, to choose a lighter wheel and to improve air circulation around the wheel.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the cover of Bottieri with a radially imperforate cover as taught by Fitzgerald in order to ensure the brake components are entirely hidden from view.

Allowable Subject Matter

5) Claims 2-6 and 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bennett, Higgins, Weisman, Jordan and Barger all provide brake cover plates.


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7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DK


Devon C. Kramer
5/11/01